

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

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In Re: COOK MEDICAL, INC., IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

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Case No. 1:14-ml-2570-RLY-TAB  
MDL No. 2570

This Document Relates to:

Debra Bissell

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Civil Case # 1:22-cv-06944-RLY-TAB

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**MOTION TO SUBSTITUTE PARTY PLAINTIFF  
AND FOR LEAVE TO FILE SECOND AMENDED SHORT FORM COMPLAINT**

COMES NOW, Robert Bissell, surviving spouse of Debra Bissell, and files this motion to substitute as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support thereof, Movant respectfully shows the court the following:

1. Plaintiff Debra Bissell filed her Original Complaint in the United States District Court for the Central District of California on November 11, 2022. The case was transferred to the United States District Court for the Southern District of Indiana on December 13, 2022.

2. On May 15, 2025, Plaintiff filed a notice of suggestion of death pursuant to Federal Rule of Civil Procedure 25(a)(1). *See* Doc. No. 26875. Plaintiff's counsel recently learned of the death of Debra Bissell after contacting her spouse.

3. Robert Bissell, surviving spouse of Debra Bissell, is the proper party plaintiff to substitute for Plaintiff-decedent Debra Bissell and to proceed forward with the surviving products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(1), stating, "[i]f a party dies, and the claim is not extinguished, the court may order substitution of the proper party.

A motion for substitution may be made by any party or by the decedent's successor or representative."

4. Plaintiff thus moves to substitute Robert Bissell, as Personal Representative of the Estate of Debra Bissell, Deceased, as Plaintiff in the present action.

5. Plaintiff also moves to amend the Complaint, as well as the caption of the Complaint, to correct the proper Plaintiff (specifically, Robert Bissell, as Personal Representative of the Estate of Debra Bissell, Deceased) and to update and include information, allegations, and actions within the Complaint to reflect that Plaintiff Debra Bissell is now deceased.

6. A proposed Second Amended Short Form Complaint is attached hereto as Exhibit "A".

7. Pursuant to Federal Rules of Civil Procedure 15(a)(2), a party may amend its pleading only with the opposing party's written consent or the Court's leave. The Court should freely give leave when justice so requires.

WHEREFORE, counsel for Plaintiff requests this Court for the following relief (1) the Court substitute Robert Bissell, as Personal Representative of the Estate of Debra Bissell, Deceased, as Party Plaintiff for Debra Bissell; (2) the Court grant leave to file the attached Second Amended Short Form Complaint (Case 1:22-cv-06944-RLY-TAB); and, (3) the Court deem the attached Second Amended Short Form Complaint filed instanter. A proposed Order is attached hereto as Exhibit "B".

Dated: August 13, 2025.

Respectfully Submitted,

/s/ Ben C. Martin

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*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 13, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Ben C. Martin

Ben C. Martin